

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
vs. Qwest Corporation  
Show Cause**

**Case No. PU-20-442**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On December 29, 2021, Qwest Corporation (Qwest) filed an Application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure of protected information as defined by North Dakota Century Code (N.D.C.C.) section 44-04-18.4.

The information that Qwest seeks to protect contains personal information regarding providing service to the Gordon and Sharon Gerbig residence, the Mile's Gerbig residence and the Dorm Henders' residence.

Qwest states that pursuant to 47 U.S.C. § 222(c)(1) the disclosure of this information would violate the confidentiality of its customers without their permission which is prohibited by 47 U.S.C. § 222(c)(1) which states:

Except as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunication service shall only use, disclose, or permit access to individually identifiable customer proprietary network information in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in the provision of such telecommunications service, including the publishing of directories.

Qwest also claims economic value to the information but does not elaborate on how the information would cause a competitive disadvantage if it was released.

The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to

PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation.

The confidentiality of this information has been maintained by Qwest. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the subject matter of the information.

Staff believes that Qwest's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request. The claim of economic value and competitive disadvantage does not need to be proven to grant protection of the information.

For reasons set forth above, Staff recommends that the Commission grant the application of Qwest to protect certain information filed in the captioned case.

Dated this 8<sup>th</sup> day of March 2022.



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